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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,834	03/12/2001	Martin Ryzl	16159.011001; P5534	9978

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EXAMINER

KENDALL, CHUCK O

ART UNIT PAPER NUMBER

2122
DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,834

Applicant(s)

RYZL, MARTIN

Examiner

Chuck O Kendall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1-13 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6, 3</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the application filed 03/12/01.
2. Claims 1 - 13 have been examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 3, 8, & 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Barnstijn et al. USPN 5,715,387 (hereinafter "Barnstijn").

Regarding claim 1, Barnstijn anticipates a method of facilitating development of an application for a wireless-connected device, comprising:

combining, in a module, a plurality of development tools used in the creation of the application (Col.3: 54 – 60, see generate, test and debug an application program); and

integrating the module with an emulator of the wireless-connected device (Col.1: 37 – 50).

Regarding claim 2, the method of claim 1, further comprising:

integrating the module into an Integrated Development Environment (Col.2:22 – 27, see development environment).

Regarding claim 3, the method of claim 1, further comprising:

using the emulator to execute the application developed using the module (Col.1: 40 - 43).

Regarding claim 8, which also discloses a method and similar limitations as in claim 1, see rationale as previously discussed above.

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Regarding claim 11, which also discloses a method and similar limitations as in claim 2, see rationale as previously discussed above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 – 7, 9, 10, 12, & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnstijn et al. USPN 5,715,387 (hereinafter "Barnstijn") as applied in claims 1 & 8, in view of Bales et al. USPN 5,666,399 (hereinafter "Bales").

Regarding claim 4, Barnstijn discloses all the claimed limitations as applied in claim 1. Barnstijn doesn't explicitly disclose using a plurality of emulators for a plurality of different wireless-connected devices. However, Bales does disclose this feature in analogous art (Col.2: 1 – 15, see "unique terminal emulator application for each type of wireless terminal"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Barnstijn and Bales, because using a plurality of emulators for a plurality of wireless connected devices, would enable each individual device to be configured more efficiently.

Regarding claim 5, Barnstijn discloses all the claimed limitations as applied in claim 3. Barnstijn doesn't explicitly disclose wherein use of the emulator is concurrent with the application created using the module. However, Bales does disclose this feature in analogous art (FIG.1, 101). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Barnstijn and Bales, because using emulator concurrently with the application would make mapping devices more efficient.

Regarding claim 6, Barnstijn discloses all the claimed limitations as applied in claim 1. Barnstijn doesn't explicitly disclose wherein integrating the module comprises creating and packaging the application with a plurality of profiles without modification of the module. However, Bales does disclose this feature in analogous art (Bales, Col.15: 25 – 33, for packaging and profiles see, transport layer, session software layer, stored in management information base and TEA, terminal emulating application). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Barnstijn and Bales, because storing profiles during packaging or storing enables reusability.

Regarding claim 7, Barnstijn discloses all the claimed limitations as applied in claim 1 as well as using the emulator to execute the application developed using the module (Col.1: 40 - 43). Barnstijn doesn't explicitly disclose using an additional emulator for a different wireless-connected device to execute the application. However, Bales does disclose this feature in analogous art (Col.2: 1 – 15, see "unique terminal emulator application for each type of wireless terminal"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Barnstijn and Bales, because using additional emulators for a plurality of wireless connected devices, would enable each individual device to be configured more efficiently.

Regarding claim 9, as applied in claim 8 above, which also discloses a method and similar limitations as in claim 4, see rationale as previously discussed above.

Regarding claim 10, as applied in claim 8 above, which also discloses a method and similar limitations as in claim 5, see rationale as previously discussed above.

Regarding claim 12, Barnstijn discloses a method of installing a module used for the development of an application for a wireless-connected device executed on an emulator, comprising:

- installing an Integrated Development Environment (Barnstijn, Col.3:30 – 40, see download and application loader);

- integrating the module into the Integrated Development Environment (Barnstijn, Col.3:30 – 57, for integrating as see generating and testing), installing a parser

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database (for database and parser, see Col.3:40 – 50, also see application loader and storing in data memory, Col.4: 60 – 67, for using data stored in Data Storage 203, and performing actions) and starting the Integrated Development Environment (Barnstijn, 3: 23 – 27, see executed for starting).

Barnstijn doesn't explicitly disclose installing an emulator configuration file and installing a plurality of original equipment manufacturer files and templates. However, Bales does disclose installing an emulator configuration file (Bales, Col.2: 31 – 38, see new terminal emulator application), and installing a plurality of original equipment manufacturer files and templates (Bales, Col.2: 31 – 38, see new terminal management application). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Barnstijn and Bales, because installing and configuring emulators for a plurality of wireless connected devices, would enable each individual device to be configured more efficiently.

Regarding claim 13, Barnstijn discloses all the claimed limitations as applied in claim 12. Barnstijn doesn't explicitly disclose an Emulator Environment and an Emulator Configuration. However, Bales does disclose this feature in analogous art (Bales, Col.3: 29 – 37, see TEA, terminal emulator application, which examiner interprets to encompass the environment and the configuration, since all applications are configured to operate depending on its set configuration). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Barnstijn and Bales, because being able to configure the emulator dependently to its corresponding device would make configuring the device more efficient.

Correspondence Information

7. Any inquires concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall who may be reached via telephone at (703) 308-6608. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam *can be* reached at (703) 305-4552.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

For facsimile (fax) send to central FAX number 703-872-9306 and 703-7467240 draft.

Chuck C. Kendall

Software Engineer Patent Examiner

United States Department of Commerce

A handwritten signature in black ink, appearing to read 'Tuan Dam', with a long horizontal flourish extending to the right.

TUAN DAM
SUPERVISORY PATENT EXAMINER